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NOTIFICATION.

No. R.L. 1628-59, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Explosive Substances Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE EXPLOSIVE SUBSTANCES BILL.

A Bill to provide for certain matters relating to explosive substances.

Preamble.

WHEREAS it is expedient to provide for certain matters relating to explosive substances;

It is hereby enacted as follows:—

Short title, extent and application.

1. (1) This Act may be called the Explosive Substances Act, 194 .

2) It extends to the whole of Mysore and applies also to all subjects of His Highness the Maharaja wherever they may be.

Definition of "explosive substance".

2. In this Act the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement.

Punishment for causing explosion likely to endanger life or property.

3. Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added.

Punishment for attempt to cause explosion, or for making or keeping explosives with intent, to endanger life or property.

4. Any person who unlawfully and maliciously—

(*a*) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in Mysore of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in Mysore, or to enable any other person by means thereof to endanger life or cause serious injury to property in Mysore;

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years to which fine may be added.

Punishment for making or possessing explosives under suspicious circumstances.

5. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years to which fine may be added.

Punishment of abettors.

6. Any person who by the supply of, or solicitation for, money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

Restriction on trial of offences.

7. No court shall proceed to the trial of any person for an offence against this Act except with the consent of the Government.

Statement of Objects and Reasons.

The provisions of the Indian Explosive Substances Act, 1908, of the Government of India were put in force *mutatis mutandis* in Mysore by section 4 of the Defence of India (Adaptation to Mysore) Act, 1939. The said provisions were expressed to be in force as long as the Defence of India Act was in force and would have consequently expired in September 1946. As it was considered necessary to have these provisions permanently in force in Mysore, an Emergency Act was passed in 1946 (Act No. XLI of 1946) which was continued for a further period of six months by another Emergency Act in 1947.

The Bill had been brought before the Budget Session of the Representative Assembly in 1947 but could not be taken up for consideration.

Its main purpose is to punish any person who causes or attempts to cause an explosion by means of any explosive substance so as to endanger life or property.

NOTIFICATION.

No. R.L. 1628-57, dated Bangalore, 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the General Clauses (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

THE GENERAL CLAUSES (AMENDMENT) BILL

A Bill to amend the General Clauses Act, 1899, for a certain purpose.

WHEREAS it is expedient to amend the General Clauses Act, 1899, for the purpose hereinafter appearing;

It is hereby enacted as follows :—

Short title

1. This Act may be called the General Clauses (Amendment) Act, 194 .

Insertion of new section 6A in Act III of 1899.

2. After section 6 of the General Clauses Act, 1899, the following section shall be inserted, namely :—

Repeal of Act making textual amendment in an Act.

"6A. Where any Act made after the commencement of this Act repeals any enactment by which the text of any Act was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal."

Statement of Objects and Reasons.

Doubt had sometimes been entertained in the past as to the effect of the repeal of an amending Act which had made textual alterations in a previous Act. The view which the Government of India favoured was that an amending Act of this nature was spent once it had secured the inclusion in the text of the parent Act of the changes which were intended to bring about, and that the repeal of the amending Act thereafter did not affect the continuance of the amendments made by it. It had not been the practice till 1936 to repeal such Acts after their work was

accomplished, and the Statute-book was encumbered with much matter which could profitably have been removed, but which it was undesirable to remove as long as any doubt concerning the effect of such removal could be entertained. The General Clauses Act, 1897, (X of 1897), was, accordingly, amended by the Central Legislature by the insertion of a new section as section 6A, thereby establishing beyond doubt the view set forth above.

The insertion of this new provision in the General Clauses Act, 1897, has enabled a large number of Acts which were confined to making textual amendments in previous Acts to be repealed.

It is considered desirable to amend the General Clauses Act, 1899, in force in Mysore on the same lines, and this Bill has accordingly been brought forward for that purpose. If this amendment is made, it will considerably ease the task of issuing a revised edition of the Mysore Code, since the textual alterations made by the amending Acts would be incorporated in the parent Act itself and got printed, foot-notes being added to explain the origin of the changes themselves. The amending Acts themselves, which it has been the practice hitherto to reproduce in the Code, may be repealed, saving thereby much printing space, since no useful purpose is served by such reproduction as the purpose of these Acts is served after the changes or modifications are made in the parent Act.

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